

**SPECIAL MEETING/HEARING AGENDA  
AIR QUALITY ADVISORY COUNCIL  
April 24, 2024, 9:00 a.m.  
Department of Environmental Quality  
707 North Robinson Avenue  
Oklahoma City, OK**

*Please turn off cell phones*



1. **Call to Order** – Laura Lodes, Chair
2. **Roll Call** – Quiana Fields
3. **Approval of Minutes** – October 4, 2023 Regular Meeting
4. **Public Rulemaking Hearing**
  - A. **Chapter 100. Air Pollution Control**  
**Subchapter 7. Permits for Minor Facilities**  
**Part 9. Permits by rule**  
**252:100-7-60.5 Oil and natural gas sector [AMENDED]**

The Department of Environmental Quality (Department or DEQ) is proposing to amend the Permit By Rule (PBR) in OAC 252:100-7-60.5, Oil and natural gas sector, in response to the U.S. Environmental Protection Agency's (EPA's) recently promulgated requirements in 40 C.F.R. Part 60, Subpart OOOOb Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After December 6, 2022 (NSPS Subpart OOOOb). Additionally, the proposed amendment would allow the use of legally and practicably enforceable (LPE) limits when determining a facility's eligibility for the PBR. The gist of the proposed rule is to clarify source eligibility criteria for the PBR and ensure that the current PBR allows facilities potentially subject to NSPS Subpart OOOOb to take LPE limits to avoid applicability of the federal requirements for certain equipment.

1. Presentation – Tom Richardson, P.E., Rules & Planning Section, AQD
2. Questions and discussion by the Council
3. Questions, comments and discussion by the public
4. Discussion and possible action by the Council

5. **Division Director's Report** – Kendal Stegmann, Division Director, AQD
6. **New Business** – Any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda.
7. **Adjournment** – The next regular meeting is scheduled for Wednesday, July 24, 2024, in Tulsa/Owasso, Oklahoma.

Should you have a disability and need an accommodation, please notify the DEQ Air Quality Division three days in advance at 405-702-4177. Hearing impaired persons may call the text telephone (TDD) Relay Number at 1-800-722-0353 for TDD machine use only.

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 100. AIR POLLUTION CONTROL**

**RULEMAKING ACTION:**

Notice of proposed EMERGENCY rulemaking

**PROPOSED RULES:**

Subchapter 7. Permits for Minor Facilities

Part 9. PERMITS BY RULE

252:100-7-60.5 Oil and natural gas sector [AMENDED]

**SUMMARY:**

The Department of Environmental Quality (Department or DEQ) is proposing to amend the Permit By Rule (PBR) in OAC 252:100-7-60.5, Oil and natural gas sector, in response to the U.S. Environmental Protection Agency's (EPA's) recently promulgated requirements in 40 C.F.R. Part 60, Subpart OOOOb Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After December 6, 2022 (NSPS Subpart OOOOb). Additionally, the proposed amendment would allow the use of legally and practicably enforceable (LPE) limits when determining a facility's eligibility for the PBR. The gist of the proposed rule is to clarify source eligibility criteria for the PBR and ensure that the current PBR allows facilities potentially subject to NSPS Subpart OOOOb to take LPE limits to avoid applicability of the federal requirements for certain equipment.

**AUTHORITY:**

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201, 2-3-402, and 2-5-106.

Air Quality Advisory Council; 27A O.S. §§ 2-2-201 and 2-5-107.

Oklahoma Clean Air Act; 27A O.S. §§ 2-5-101 through 2-5-130.

Oklahoma Uniform Permitting Act; 27A O.S. §§ 2-14-101 through 2-14-304.

**COMMENT PERIOD:**

Written comments may be submitted to the contact person from March 15, 2024, through April 15, 2024. Oral comments may be made at the April 24, 2024 Special Air Quality Advisory Council meeting and at the June 11, 2024 Environmental Quality Board meeting.

**PUBLIC HEARING:**

Before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, April 24, 2024, at the DEQ Headquarters, 707 N. Robinson, Oklahoma City, OK 73102.

If the Council recommends adoption, the proposed rules will be considered by the Environmental Quality Board at its meeting scheduled for 9:30 a.m. on Tuesday, June 11, 2024, at the DEQ Headquarters, 707 N. Robinson, Oklahoma City, OK 73102.

These hearings shall also serve as public hearings to receive comments on the proposed revisions to the State Implementation Plan (SIP) under the requirements of 40 C.F.R. § 51.102 and 27A O.S. § 2-5-107(6)(c), and to the State Title V (Part 70) Implementation Plan under the requirements of 40 C.F.R. Part 70 and 27A O.S. § 2-5-112(B)(9).

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

The Department requests that business entities or any other members of the public affected by these rules provide the Department, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102, or reviewed online at <https://www.deq.ok.gov/council-meetings/air-quality-advisory-council/>.

**RULE IMPACT STATEMENTS:**

Pursuant to 75 O.S. § 303(D), a rule impact statement was prepared and is available on the DEQ website at <https://www.deq.ok.gov/council-meetings/air-quality-advisory-council/>. Copies may also be obtained from the Department by calling the contact person listed below.

**CONTACT PERSON:**

The contact person for this proposal is Melanie Foster, Environmental Programs Manager, who can be reached by phone at (405) 702-4100. Please email written comments to [AQDRuleComments@deq.ok.gov](mailto:AQDRuleComments@deq.ok.gov). Mail should be addressed to Department of Environmental Quality, Air Quality Division, P.O. Box 1677, Oklahoma City, OK 73101-1677, ATTN: Melanie Foster.

**PERSONS WITH DISABILITIES:**

Should you desire to attend the public hearing but have a disability and need an accommodation, please notify the Air Quality Division three (3) days in advance at (405) 702-4177. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

**DRAFT MINUTES**  
**AIR QUALITY ADVISORY COUNCIL**  
**October 4, 2023**  
**Department of Environmental Quality**  
**Oklahoma City, Oklahoma**

**Official AQAC Approved**  
**at April 24, 2024 Special Meeting**

**Notice of Public Meeting** – The Air Quality Advisory Council (AQAC) convened for its Regular Meeting at 9:00 a.m. on October 4, 2023. Notice of the meeting was forwarded to the Office of Secretary of State on November 1, 2022. The agenda was posted at the DEQ twenty-four hours prior to the meeting. Also, Ms. Cheryl Bradley acted as Protocol Officer and convened the hearings by the AQAC in compliance with the Oklahoma Administrative Procedures Act and Title 40 CFR Part 51 and Title 27A, Oklahoma Statutes, Sections 2-2-201 and 2-5-101 through 2-5-117. She entered the agenda and the Oklahoma Register Notice into the record and announced that if you wish to make a statement when it’s time for public comments, complete the form at the registration table and you will be called upon at the appropriate time. Ms. Laura Lodes, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present. Ms. Lodes welcomed new council member, Mr. James Farrell to the Council.

**MEMBERS PRESENT**

Matt Caves  
 Gary Collins  
 Gregory Elliott  
 James Farrell  
 Garry Keele  
 John Privrat  
 Jeffrey Taylor  
 Laura Lodes

**MEMBERS ABSENT**

Robert Delano

**DEQ STAFF PRESENT**

Beverly Botchlet-Smith  
 Brooks Kirlin  
 Melanie Foster  
 Phillip Martin  
 Travis Couch  
 Jared Milano  
 Cheryl Bradley  
 Ryan Biggerstaff  
 Camas Frey  
 Bryan Sims  
 Malcolm Zachariah  
 Christian Mitchell  
 Quiana Fields

**Approval of Minutes** – Ms. Lodes called for a motion to approve the Minutes of the January 11, 2023 Regular Meeting. Mr. Elliott moved to approve and Mr. Caves made the second.

*See transcript pages 3 - 4*

Matt Caves	Yes	Garry Keele	Yes
Gary Collins	Yes	John Privrat	Yes
Gregory Elliott	Yes	Jeffrey Taylor	Yes
James Farrell	Yes	Laura Lodes	Yes

**Meeting Schedule for Calendar Year 2024** – Ms. Lodes stated the proposed meeting scheduled dates are: January 10 in Oklahoma City, June 5 in Tulsa/Owasso and October 2 in Oklahoma City. Mr. Elliott moved to approve the proposed dates and Mr. Privrat made the second.

*See transcript pages 4 - 7*

Matt Caves	Yes	Garry Keele	Yes
Gary Collins	Yes	John Privrat	Yes
Gregory Elliott	Yes	Jeffrey Taylor	Yes
James Farrell	Yes	Laura Lodes	Yes

**Public Rulemaking Hearing**

**Chapter 100. Air Pollution Control**

**Subchapter 17. Incinerators**

**252:100-17-93 Exemptions [AMENDED]**

**252:100-17-103 Part 70 permits [AMENDED]**

**Subchapter 23. Control of Emissions From Cotton Gins**

**252:100-23-3 Applicability, general requirements [AMENDED]**

**Subchapter 35. Control of Emission of Carbon Monoxide**

**252:100-35-1 Purpose [AMENDED]**

Ms. Melanie Foster, Environmental Programs Manager, Rules & Planning Section of the AQD, stated the Department of Environmental Quality (Department or DEQ) is proposing to make revisions in Subchapters 17, 23 and 35 as part of the Department’s review of Chapter 100 in response to Governor Stitt’s Executive Order 2020-03. The Department is proposing to correct typographical errors in citations found in OAC 252:100-17-93, OAC 252:100-17-103 and OAC 252:100-23-3. In addition, the Department is proposing to correct the reference to the air quality standard in OAC 252:100-35-1. The gist of this rule proposal and the underlying reason for the rulemaking is to revise inaccurate rule language. Hearing a question by the Council and none by the public, Ms. Lodes called for a motion, Mr. Elliott moved to approve and Mr. Taylor made the second.

*See transcript pages 7 - 15*

Matt Caves	Yes	Garry Keele	Yes
Gary Collins	Yes	John Privrat	Yes
Gregory Elliott	Yes	Jeffrey Taylor	Yes
James Farrell	Yes	Laura Lodes	Yes

**Chapter 100. Air Pollution Control**

**Subchapter 2. Incorporation by Reference [AMENDED]**

**Appendix Q. Incorporation by Reference [REVOKED]**

**Appendix Q. Incorporation by Reference [NEW]**

Mr. Jared Milano, Environmental Programs Specialist, Rules & Planning Section of the AQD stated that the Department is proposing to update OAC 252:100, Appendix Q, Incorporation by Reference. In addition, the Department is proposing to update language in Subchapter 2, Incorporation by Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q. Hearing no questions or comments by the Council and none by the public, Ms. Lodes called for a motion, Mr. Collins moved to approve and Mr. Farrell made the second.

*See transcript pages 15 - 17*

Matt Caves	Yes	Garry Keele	Yes
Gary Collins	Yes	John Privrat	Yes
Gregory Elliott	Yes	Jeffrey Taylor	Yes
James Farrell	Yes	Laura Lodes	Yes

**Ms. Bradley announced the conclusion of the hearing portion of the meeting.**

*See transcript page 17*

**Presentation** – Mr. Bryan Sims, EPM, Monitoring Section West, AQD & Ryan Biggerstaff, EPM, Monitoring Section East, AQD, gave a presentation on Anticipated NAAQS Revisions and Monitoring Network Changes.

**Presentation** – Mr. Travis Couch, AQD Supervising Attorney, Legal Division, gave a presentation on EPA’s Good Neighbor Ozone Federal Implementation (FIP).

**Division Director's Report** – Ms. Beverly Botchlet-Smith, Assistan Division Director of the AQD, provided an update on other Division activities.

**New Business** – None

**Adjournment** – Ms. Lodes called for a motion to adjourn the meeting. Mr. Keele moved to adjourn and Mr. Elliott made the second. The next scheduled Special Meeting is on Wednesday, January 10, 2024. Meeting adjourned at 10:20 a.m.

Matt Caves	Yes	Garry Keele	Yes
Gary Collins	Yes	John Privrat	Yes
Gregory Elliott	Yes	Jeffrey Taylor	Yes
James Farrell	Yes	Laura Lodes	Yes

**Transcript and attendance sheet becomes an official part of these Minutes.**

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1  
2 REGULAR MEETING/HEARING  
3 AIR QUALITY ADVISORY COUNCIL  
4 OCTOBER 4, 2023, 9:00 AM  
5  
6 MEMBERS PRESENT  
7 Laura Lodes  
8 Garry Keele II  
9 Matt Caves  
10 Gregory Elliott  
11 John Privrat  
12 James Farrell  
13 Jeffrey Taylor  
14 Gary Collins  
15  
16 MEMBERS ABSENT  
17 Robert Delano  
18  
19  
20  
21  
22  
23  
24  
25 REPORTED BY: Jenny Longley, CSR

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1 PROCEEDINGS  
2 CHAIRWOMAN LODES: I'd like to call  
3 today's meeting of the Air Quality Advisory Council  
4 to order.  
5 Quiana, will you please call roll?  
6 MS. FIELDS: Mr. Caves?  
7 MR. CAVES: Here.  
8 MS. FIELDS: Mr. Collins?  
9 MR. COLLINS: Here.  
10 MS. FIELDS: Dr. Delano is absent.  
11 Mr. Elliott?  
12 MR. ELLIOTT: Here.  
13 MS. FIELDS: Mr. Farrell?  
14 MR. FARRELL: Here.  
15 MS. FIELDS: Mr. Keele?  
16 MR. KEELE: Here.  
17 MS. FIELDS: Mr. Privrat?  
18 MR. PRIVRAT: Here.  
19 MS. FIELDS: Mr. Taylor?  
20 MR. TAYLOR: Here.  
21 MS. FIELDS: Ms. Lodes?  
22 CHAIRWOMAN LODES: Here.  
23 MS. FIELDS: We have a quorum.  
24 CHAIRWOMAN LODES: Thank you.  
25 The next item on today's agenda is

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1 the Approval of Minutes from the January 11, 2023  
2 Regular Meeting.  
3 And actually, before I roll into  
4 that, I will announce we have a new council member,  
5 Jim Farrell, he is an attorney with ONEOK.  
6 How long have you been at ONEOK?  
7 MR. FARRELL: Three and a half years.  
8 CHAIRWOMAN LODES: Three and a half years,  
9 okay. So we do have a new member, so I went into  
10 that. So I know you weren't present, I don't  
11 believe, for the last, the --  
12 MR. FARRELL: Yeah, the last one, that was  
13 supposed to be my first one, got canceled in Tulsa.  
14 CHAIRWOMAN LODES: Yeah, I was going to  
15 say, I thought we've had some of that, so -- okay.  
16 So now we'll go on today's agenda,  
17 the Approval of the Minutes from the January 11th  
18 Council Meeting. Do we have any comments or  
19 questions on the minutes?  
20 Seeing none, do we have a motion to  
21 approve the minutes from the January 11, 2023  
22 meeting?  
23 MR. TAYLOR: So move.  
24 MR. CAVES: Second.  
25 CHAIRWOMAN LODES: Thank you. I have a

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1 motion and a second.  
2 Quiana, will you please call roll?  
3 MS. FIELDS: Mr. Caves?  
4 MR. CAVES: Yes.  
5 MS. FIELDS: Mr. Collins?  
6 MR. COLLINS: Yes.  
7 MS. FIELDS: Mr. Elliott?  
8 MR. ELLIOTT: Yes.  
9 MS. FIELDS: Mr. Farrell?  
10 MR. FARRELL: Yes.  
11 MS. FIELDS: Mr. Keele?  
12 MR. KEELE: Yes.  
13 MS. FIELDS: Mr. Privrat?  
14 MR. PRIVRAT: Yes.  
15 MS. FIELDS: Mr. Taylor?  
16 MR. TAYLOR: Yes.  
17 MS. FIELDS: Ms. Lodes?  
18 CHAIRWOMAN LODES: Yes.  
19 MS. FIELDS: Motion passed.  
20 CHAIRWOMAN LODES: Thank you.  
21 The next item on today's agenda is  
22 the Meeting Schedule for Calendar Year 2024. We  
23 currently have -- the suggested dates are Wednesday,  
24 January 10th, with a backup date of January 17th,  
25 and that's in Oklahoma City; June 5th in Tulsa or



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1 Gwasso; and October 2nd in Oklahoma City. This  
 2 coincides with the various Environmental Quality  
 3 Board meetings because we need to send -- we'll have  
 4 to send things to those for approval after these.  
 5 Do we have any questions or comments  
 6 on those proposed dates?  
 7 MR. TAYLOR: You just going to do three  
 8 this year, this next year?  
 9 CHAIRWOMAN LODES: That's all we've done  
 10 for the last --  
 11 MR. TAYLOR: Yeah, I knew we had.  
 12 CHAIRWOMAN LODES: Yeah, we haven't gone  
 13 back to four.  
 14 MS. BOTCHLET-SMITH: I think with the time  
 15 we need to get everything prepared and to the  
 16 Governor, it works better for us to do three.  
 17 CHAIRWOMAN LODES: I think it was under  
 18 Governor Fallin, they changed the amount of days  
 19 ahead that we had to give notice to the Governor's  
 20 Office and the rest; so it made doing four meetings  
 21 not really a feasible option anymore.  
 22 So, yeah, we've got the three on  
 23 there for currently, to handle stuff, and then we  
 24 can always do -- if something comes up, we can  
 25 always call for a special meeting if there's some

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1 regulatory action that will require it.  
 2 But the October 2nd date we believe  
 3 misses EFO, fall break, and the other problems we  
 4 usually have around October. We have a backup date  
 5 for January for when we have an ice storm because  
 6 we've run into that, and then June's usually good,  
 7 so --  
 8 MR. KEELE: Unless you have a windstorm.  
 9 CHAIRWOMAN LODES: Unless that happens and  
 10 there's power issues, like this year. We didn't  
 11 have the meeting because most of Tulsa didn't seem  
 12 to have power.  
 13 Any other questions or comments on  
 14 the proposed dates?  
 15 Do I have a motion to approve said  
 16 dates?  
 17 MR. ELLIOTT: I make a motion to approve  
 18 the proposed dates for next year.  
 19 CHAIRWOMAN LODES: Thank you.  
 20 MR. PRIVRAT: I second the motion.  
 21 CHAIRWOMAN LODES: Thank you.  
 22 I have a motion and a second.  
 23 Quiana, will you please call roll?  
 24 MS. FIELDS: Mr. Caves?  
 25 MR. CAVES: Yes.

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1 MS. FIELDS: Mr. Collins?  
 2 MR. COLLINS: Yes.  
 3 MS. FIELDS: Mr. Elliott?  
 4 MR. ELLIOTT: Yes.  
 5 MS. FIELDS: Mr. Farrell?  
 6 MR. FARRELL: Yes.  
 7 MS. FIELDS: Mr. Keele?  
 8 MR. KEELE: Yes.  
 9 MS. FIELDS: Mr. Privat?  
 10 MR. PRIVRAT: Yes.  
 11 MS. FIELDS: Mr. Taylor?  
 12 MR. TAYLOR: Yes.  
 13 MS. FIELDS: Ms. Lodes?  
 14 CHAIRWOMAN LODES: Yes.  
 15 MS. FIELDS: Motion passed.  
 16 CHAIRWOMAN LODES: Thank you.  
 17 We will now move into the public  
 18 hearing portion.  
 19 MS. BRADLEY: Okay. Good Morning: I am  
 20 Cheryl Bradley, of the Air Quality Division, and I  
 21 will serve as the protocol officer for today's  
 22 hearings.  
 23 The hearings will be convened by the  
 24 Air Quality Council in compliance with the Oklahoma  
 25 Administrative Procedures Act and Title 40 of the

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1 Code of Federal Regulations, Part 51, as well as the  
 2 authority of Title 27A of the Oklahoma Statutes,  
 3 Section 2-2-201 and Sections 2-5-101 through  
 4 2-5-117.  
 5 Notice of the October 4, 2023  
 6 hearings was advertised in the Oklahoma Register for  
 7 the purpose of receiving comments pertaining to the  
 8 proposed OAC Title 252 Chapter 100 rules as listed  
 9 on the Agenda and will be entered into each record  
 10 along with the Oklahoma register filing. Notice of  
 11 Meeting was filed with the Secretary of State on  
 12 November 1, 2022. The Agenda was duly posted 24  
 13 hours prior to the meeting at the DEQ and at the  
 14 facility.  
 15 If you wish to make a statement, it  
 16 is very important that you complete the form at the  
 17 registration table and you will be called upon at  
 18 the appropriate time. Audience members, please come  
 19 to the podium for your comments and please state  
 20 your name.  
 21 At this time, we will proceed with  
 22 what's marked as Agenda Item 5A on the Hearing  
 23 Agenda: Chapter 100, Air Pollution Control:  
 24 Subchapter 17, Incinerators: 252:100-17-93,  
 25 Exemptions [Amended]; 252:100-17-103, Part 70

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1 permits [Amended].

2 Subchapter 23, Control of Emissions

3 from Cotton Gins: 252:100-23-3, Applicability,

4 general requirements [Amended].

5 Subchapter 35, Control of Emission of

6 Carbon Monoxide: 252:100-35-1, Purpose [Amended].

7 Melanie Foster of the Air Quality

8 Division staff will make the presentation today.

9 MS. FOSTER: Good morning, Madam Chair,

10 Members of the Council, Members of the Public. As

11 Cheryl mentioned, my name is Melanie Foster and I am

12 the manager of the Rules & Planning Section. Today,

13 I am bringing you proposed revisions to Subchapters

14 17, 23, and 35 that we are considering just rule

15 cleanup. You may recall that in June of 2021, in

16 response to Governor Stitt's Executive Order

17 2020-03, I brought you another rule cleanup package.

18 Today's proposed revisions were identified during

19 the same rule review in response to the Governor's

20 Executive Order. These were lower priority

21 corrections that we now have the time to address.

22 As we did before, we will treat this as a single

23 rule revision package for your review and approval.

24 I would also mention that this is the same rule

25 package that was to come to you in June if we had

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1 not had to cancel due to the weather in Tulsa.

2 So the first revisions are found in

3 Subchapter 17, which is for incinerators. There are

4 two corrections within section OAC 252:100-17-93,

5 which is in Part 11 for Other Solid Waste

6 Incineration Units or OSWI. Shown on this slide are

7 just the paragraphs with revisions. The surrounding

8 text is included in the rule in your e-packet if you

9 would like to see some context, though.

10 The first correction is in paragraph

11 13 where the current rule citation inadvertently

12 omitted the subchapter from the citation. The

13 Office of Administrative Rules - OAR - requires the

14 entire citation to be struck and inserted properly

15 rather than just allowing us to insert the missing

16 17. This is just a typographical error correction.

17 The second correction is in paragraph 16. In this

18 citation, the paragraph number was inadvertently

19 omitted. We have inserted the proper citation,

20 including the 16.

21 The next revision occurs in section

22 OAC 252:100-17-103. This revision is still in Part

23 11 for OSWI units. In this case, the citation

24 should refer to the exemptions section that we just

25 discussed, which is 93, not 92. This paragraph is

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1 meant to let owners and operator know that they have

2 a Part 70 permit obligation unless they meet one of

3 those exemptions in Section 93.

4 Because, again, I know it's sometimes

5 hard to have the full context when we only open

6 applicable sections, the box at the bottom shows the

7 titles for OAC 252:100-17-92 and 93 side by side so

8 you can see why 92 would not be the proper reference

9 for the citation in 103.

10 Moving on to a new subchapter, our

11 next revisions are in OAC 252:100-23-3. Subchapter

12 23 is for Cotton Gins. Again, the entirety of 23-3

13 is in the rule in your e-packet but I am only

14 showing the relevant parts with changes. The

15 revision in paragraph (a) was to add OAC before the

16 citation, which is how we normally reference the

17 rule. The revision in paragraph (b) was a

18 cross-reference that was missed when Subchapter 41

19 was revoked and replaced with Subchapter 42 in the

20 2006-2007 timeframe. The citation should point to

21 the currently-in-effect Subchapter 42.

22 The box at the bottom of this slide

23 is from the Table of Contents for Chapter 100. As

24 you can see, Subchapter 41 was formerly the Control

25 of Emission of Hazardous Air Pollutants and Toxic

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1 Air Contaminants but was revoked and Subchapter 42

2 was added as the Control of Toxic Air Contaminants.

3 The final revision is in Subchapter

4 35, which is Control of Emission of Carbon Monoxide.

5 It was noted when we were reviewing that the

6 terminology "Oklahoma Air Quality Standard" is not

7 accurate. The standard to which it is referring is

8 included in Appendices E and F, which uses the

9 terminology "ambient air quality standard" as shown

10 in the box at the bottom of this slide. This is a

11 minor correction that likely doesn't affect anyone's

12 proper understanding of the subchapter. I will note

13 that similar subchapters in Chapter 100, namely 31

14 for sulfur compounds, 33 for nitrogen oxides, and 37

15 for VOCs do vary in their terminology. But

16 subchapter 33 uses a similar nomenclature as this

17 one did but it is not proposed for revisions at this

18 time due to other ongoing revisions to Subchapter

19 33. So again, they all vary a little bit, but we

20 think it should match up with Appendices E and F

21 terminology. So as mentioned, the box at the bottom

22 of the slide shows how the Appendices are labeled in

23 the Table of Contents for Chapter 100.

24 So that concludes all of the changes

25 we are requesting in this rule cleanup package.

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1 These revisions, as presented, were noticed in the  
 2 Oklahoma Register on September 1, 2023. The public  
 3 comment period ran from September 1st through  
 4 October 2nd, and only one set of comments was  
 5 received and they were from EPA Region 6 during the  
 6 public comment period for the June meeting that was  
 7 canceled, that's when EPA sent in their comments.  
 8 EPA noted in their comments that several of today's  
 9 changes are not currently part of Oklahoma's SIP  
 10 and, as such, EPA had no comment on those  
 11 paragraphs. For those paragraphs that are in  
 12 Oklahoma's SIP, EPA had no adverse comments on the  
 13 revisions. So after questions and discussion by the  
 14 Council and the public, AQD staff would ask the  
 15 Council to recommend these proposed revisions to the  
 16 Board for approval. Thank you.

17 CHAIRWOMAN LODES: Random question. Are  
 18 these sitting down there with EPA to put into our  
 19 SIP at some point in time in the future that they  
 20 have not acted on?

21 MS. FOSTER: No.

22 CHAIRWOMAN LODES: Oh, they're not? Okay.  
 23 I mean, I know they're, like, 10 years out on some,  
 24 so --

25 MS. FOSTER: Yes. No, these are just

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1 other provisions.

2 CHAIRWOMAN LODES: Okay. Any questions or  
 3 comments by the Council?

4 MS. BRADLEY: I've received no requests  
 5 from the attendees to speak. Is there anyone in the  
 6 audience who'd like to speak on this subject?

7 CHAIRWOMAN LODES: There are no questions  
 8 or comments from the public and none from the  
 9 Council.

10 Do I have a motion to approve the  
 11 rule package as presented?

12 MR. ELLIOTT: I make a motion to approve  
 13 the rule package as submitted.

14 MR. TAYLOR: Second.

15 CHAIRWOMAN LODES: I have a motion and a  
 16 second.

17 Quiana, will you please call roll?

18 MS. FIELDS: Mr. Caves?

19 MR. CAVES: Yes.

20 MS. FIELDS: Mr. Collins?

21 MR. COLLINS: Yes.

22 MS. FIELDS: Mr. Elliott?

23 MR. ELLIOTT: Yes.

24 MS. FIELDS: Mr. Farrell?

25 MR. FARRELL: Yes.

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1 MS. FIELDS: Mr. Keele?

2 MR. KEELE: Yes.

3 MS. FIELDS: Mr. Privrat?

4 MR. PRIVRAT: Yes.

5 MS. FIELDS: Mr. Taylor?

6 MR. TAYLOR: Yes.

7 MS. FIELDS: Ms. Lodes?

8 CHAIRWOMAN LODES: Yes.

9 MS. FIELDS: Motion passed.

10 MS. BRADLEY: Okay. Now we move on to

11 Agenda Item 5B: Chapter 100: Air Pollution Control:  
 12 Subchapter 2, Incorporation by Reference [Amended];  
 13 Appendix Q, Incorporation by Reference [Revoked];  
 14 Appendix Q, Incorporation by Reference [New].

15 Jared Milano of the Air Quality  
 16 Division staff will make the presentation.

17 MR. MILANO: Good morning, Council  
 18 Members. My name is Jared Milano, and I am an  
 19 Environmental Programs Specialist with AQD's Rules &  
 20 Planning Section, and today we are proposing changes  
 21 to Oklahoma Administrative Code Title 252, Chapter  
 22 100, Subchapter 2 and Appendix Q.

23 Those changes are to revise the date  
 24 of incorporation for Subchapter 2, Incorporation by  
 25 Reference, and to revoke the current Appendix Q and

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1 then adopt the newly updated Appendix Q. And this  
 2 is because the Rules on Rulemaking require that  
 3 appendices are revoked before new versions can be  
 4 adopted.

5 The proposed changes to Appendix Q  
 6 are additions from 40 Code of Federal Regulations  
 7 Part 60. These additions are Subparts KKa, MMa, and  
 8 TTTa, and there's more details on those changes in  
 9 your packet, in the "2023 list of changes".

10 So in summation, DEQ requests the Air  
 11 Quality Advisory Council to recommend the proposed  
 12 changes to Subchapter 2 and Appendix Q to the  
 13 Environmental Quality Board for adoption.

14 CHAIRWOMAN LODES: Do we have any  
 15 questions or comments from the Council?

16 MS. BRADLEY: I've received no requests to  
 17 speak on this agenda item from the audience. Is  
 18 there anyone who, at this time, would like to speak?  
 19 Seeing none, pass it back to you, Laura.

20 CHAIRWOMAN LODES: Is there any other  
 21 comments from the Council?

22 Hearing none, I need a motion to  
 23 approve the rule package as presented.

24 MR. COLLINS: I make a motion that we  
 25 approve the rule package as presented.

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1 MR. FARRELL: Second.

2 CHAIRWOMAN LODES: I have a motion and a

3 second.

4 Quiana, please call roll.

5 MS. FIELDS: Mr. Caves?

6 MR. CAVES: Yes.

7 MS. FIELDS: Mr. Collins?

8 MR. COLLINS: Yes.

9 MS. FIELDS: Mr. Elliott?

10 MR. ELLIOTT: Yes.

11 MS. FIELDS: Mr. Farrell?

12 MR. FARRELL: Yes.

13 MS. FIELDS: Mr. Keele?

14 MR. KEELE: Yes.

15 MS. FIELDS: Mr. Privrat?

16 MR. PRIVRAT: Yes.

17 MS. FIELDS: Mr. Taylor?

18 MR. TAYLOR: Yes.

19 MS. FIELDS: Ms. Lodes?

20 CHAIRWOMAN LODES: Yes.

21 MS. FIELDS: Motion passed.

22 CHAIRWOMAN LODES: Thank you.

23 MS. BRADLEY: That concludes the hearing

24 portion of the agenda.

25 (HEARING CONCLUDED AT 9:18 AM)

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1 C E R T I F I C A T E

2 I, Jenny Longley, Certified Shorthand

3 Reporter within and for the State of Oklahoma, do

4 hereby certify that the above and foregoing hearing

5 was by me taken in shorthand and thereafter

6 transcribed; and that I am not an attorney for nor

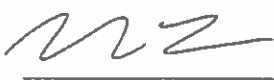
7 relative of any of said parties or otherwise

8 interested in the event of said action.

9 IN WITNESS WHEREOF, I have hereunto

10 set my hand and official seal this 12th day of

11 October, 2023.

12 

13 \_\_\_\_\_

14 Jenny Longley, CSR

15 CSR # 1903

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# AIR QUALITY ADVISORY COUNCIL

Attendance Record

October 4, 2023

Oklahoma City, Oklahoma

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Address and/or Phone and/or E-Mail

MELANIE FOSTER	AQD
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Malcolm Zachariah	AQD
Cheryl E. Bradley	AQD
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Travis Couch	AQD
Quiana Fields	DEQ
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Ryan Biggerstaff	AQD
Jim Farrell	AQAC
Christin Mitchell	AQD
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Camas Frey	ODIEQ
Brooks Kirlin	DEQ



O K L A H O M A  
DEPARTMENT OF ENVIRONMENTAL QUALITY

# AIR QUALITY ADVISORY COUNCIL

Attendance Record

October 4, 2023

Oklahoma City, Oklahoma

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Laura Finley WFEc

Madison Martin

madisonm@deq.org mmmartin@deq.org

Eric Pollard ACOB

Phillip Martin AQD

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**MEMORANDUM**

**DATE:** April 10, 2024

**TO:** Members of the Air Quality Advisory Council

**FROM:** Kendal Stegmann, Director *KS*  
Air Quality Division

**SUBJECT:** Proposed Emergency Rule in OAC 252:100-7-60.5

The Department of Environmental Quality (Department or DEQ) is proposing to amend the Permit By Rule (PBR) in OAC 252:100-7-60.5, Oil and natural gas sector, in response to the U.S. Environmental Protection Agency's (EPA's) recently promulgated requirements in 40 C.F.R. Part 60, Subpart OOOOb Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After December 6, 2022 (NSPS Subpart OOOOb). Additionally, the proposed amendment would allow the use of legally and practicably enforceable (LPE) limits when determining a facility's eligibility for the PBR. The gist of the proposed rule is to clarify source eligibility criteria for the PBR and ensure that the current PBR allows facilities potentially subject to NSPS Subpart OOOOb to take LPE limits to avoid applicability of the federal requirements for certain equipment.

Notice of the proposed rule changes was published in the *Oklahoma Register* on March 15, 2024. The notice requested written comments from the public and other interested parties. As of the date of this memo, comments have been received from one entity, and staff are developing responses. A copy of the proposed rules is enclosed along with a copy of the Rule Impact Statement and the comments received.

At the April meeting, staff will ask the Council to recommend the proposed rule changes to the Environmental Quality Board for adoption as emergency rules. Adoption of the measure as an emergency rule would provide an earlier opportunity to lessen the regulatory impact of new NSPS Subpart OOOOb on a significant number of affected oil & gas production projects until a revision can proceed through the permanent rulemaking process.

Enclosures: Proposed Amendments to OAC 252:100-7-60.5  
Rule Impact Statement  
April 10, 2024 The Petroleum Alliance of Oklahoma Comments

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 100. AIR POLLUTION CONTROL**

**SUBCHAPTER 7. PERMITS FOR MINOR FACILITIES**

**PART 9. PERMITS BY RULE**

**252:100-7-60.5. Oil and natural gas sector**

(a) **Applicability.** This PBR is issued for minor facilities and area sources in the oil and natural gas (O&NG) sector. This includes but is not limited to facilities subject to federal standards, primarily Subparts III, JJJJ, OOOO, ~~and OOOOa~~, and OOOOb of the federal NSPS, 40 CFR Part 60, and Subparts HH and ZZZZ of the federal NESHAP, 40 CFR Part 63, as cited in this PBR and incorporated by reference in OAC 252:100-2 and Appendix Q to Chapter 100. Specifically, this PBR applies to the following:

(1) **Eligible minor facilities and area sources.** New and existing minor facilities and area sources in the O&NG sector are eligible for this PBR, provided they comply with the conditions in (A) through (G) of this paragraph.

(A) The facility has actual emissions of 40 TPY or less of each regulated air pollutant, except HAPs and GHGs.

(B) The facility has potential emissions of each regulated air pollutant, except HAPs, that are less than the emission levels that require prevention of significant deterioration (PSD), nonattainment new source review (NNSR), and Part 70 permits.

(C) The facility does not emit or have potential emissions of 10 TPY or more of any single HAP or 25 TPY or more of any combination of HAPs.

(D) For the purpose of determining if a facility is eligible for registration under this PBR, the calculation of actual emissions may include emission reductions that will be made enforceable by registration under this PBR.

(E) Only for the purpose of determining if a facility is eligible for registration under this PBR, the calculation of potential emissions shall not include emission reductions resulting from any physical or operational limitation (including capacity limitations, use of air pollution control equipment, and/or restrictions on hours of operation or on the type or amount of material combusted, stored, or processed). ~~Affected~~ However, affected sources or potentially affected sources subject to a federal standard (NSPS or NESHAP) may include enforceable limitations imposed by the federal standards in the calculation of potential emissions.

(F) The facility must meet the criteria in 252:100-7-15(b)(1)(C) through (E).

(G) The facility is not otherwise a Part 70 source.

(2) **Equipment and processes.** This PBR covers equipment and processes located at minor facilities and area sources in the O&NG sector that meet the criteria contained in 252:100-7-60.5(a)(1). Covered equipment and processes under this PBR include, but are not limited to:

(A) The affected facilities listed in 40 CFR Section 60.5365 of NSPS Subpart OOOO, ~~and~~ 40 CFR Section 60.5365a of NSPS Subpart OOOOa, and 40 CFR Section 60.5365b of NSPS Subpart OOOOb.

(B) Stationary compression ignition internal combustion engines, as specified in 40 CFR Section 60.4200 of NSPS Subpart IIII, which are located at minor facilities in the O&NG sector.



(C) Stationary spark ignition internal combustion engines, as specified in 40 CFR Section 60.4230 of NSPS Subpart JJJJ, which are located at minor facilities in the O&NG sector.

(D) The affected sources listed in 40 CFR Section 63.760(a) and (b)(2) of NESHAP Subpart HH, which are located at area sources.

(E) Stationary reciprocating internal combustion engines (RICE), as specified in 40 CFR Section 63.6585 of NESHAP Subpart ZZZZ, which are located at area sources in the O&NG sector.

**(b) Standards and requirements.**

(1) **NSPS and NESHAP requirements.** The owner or operator shall meet the applicable requirements of the following NSPS and NESHAP subparts for equipment and processes located at minor facilities or area sources in the O&NG sector.

(A) **General provisions.** The owner or operator of minor affected facilities covered by the O&NG PBR shall comply with applicable requirements of 40 CFR 60, Subpart A.

(B) **Crude oil and natural gas production, transmission, and distribution.** The owner or operator of each minor affected facility shall comply with the applicable standards and requirements of 40 CFR Part 60, Subparts OOOO, ~~and/or OOOOa,~~ and/or OOOOb.

(C) **Stationary compression ignition internal combustion engines.** The owner or operator of a stationary compression ignition internal combustion engine shall comply with the applicable emission, equipment, and work practice standards and testing, reporting monitoring, and recordkeeping requirements of 40 CFR Part 60, Subpart IIII.

(D) **Stationary spark ignition internal combustion engine.** The owner or operator of a stationary spark ignition internal combustion engine shall comply with the applicable emission, equipment, and work practice standards and testing, reporting, monitoring, and recordkeeping requirements of 40 CFR Part 60, Subpart JJJJ.

(E) **General provisions.** The owner or operator of an area source covered by the O&NG PBR shall comply with applicable requirements of 40 CFR Part 63, Subpart A.

(F) **Oil and natural gas production facilities.** The owner or operator of an affected source listed in 40 CFR Section 63.760(a) and (b) and located at an area source shall comply with the applicable emission, equipment, and work practice standards and testing, reporting, monitoring, and recordkeeping requirements of 40 CFR Part 63, Subpart HH.

(G) **Stationary reciprocating internal combustion engines.** The owner or operator of a stationary RICE located at an area source shall comply with the applicable emission, equipment, and work practice standards and testing, reporting, monitoring, and recordkeeping requirements of 40 CFR Part 63, Subpart ZZZZ.

(H) **Equipment subject to any other NSPS or NESHAP.** The owner or operator of the facility shall comply with the applicable emission, equipment, and work practice standards and testing, reporting, monitoring, and recordkeeping requirements of any other applicable NSPS or NESHAP, including any modification to requirements of an existing applicable NSPS or NESHAP.

(2) **DEQ Air Pollution Control Rules, standards, and requirements.** The owner or operator of an O&NG facility covered by this PBR shall comply with applicable portions of the:

(A) emission inventory requirements and annual fee requirements contained in 252:100- 5;

(B) excess emission reporting requirements contained in 252:100-9;

(C) particulate matter emission rates contained in 252:100-19 for fuel-burning equipment;

(D) visible emissions (opacity) limits contained in 252:100-25 for subject emission units;

(E) fugitive dust standards contained in 252:100-29;

(F) standards and requirements for the control of the emission of sulfur compounds contained in 252:100-31 for subject emission units;

(G) standards and requirements for the control of the emission of nitrogen oxides contained in 252:100-33 for subject fuel-burning equipment;

(H) standards and requirements for the control of the emission of VOCs contained in 252:100-37 and 252:100-39 for subject emission units; and

(I) testing, monitoring, and recordkeeping requirements contained in 252:100-43.

(c) **Requested process-specific limitations - storage vessel affected facilities.** An owner or operator shall designate on the PBR registration form(s) that either of the following federally enforceable limits are applicable to a specified storage vessel affected facility. The permittee shall submit a notice of enforceability on forms provided by the DEQ to add or remove the applicability of federally enforceable limits to or from any specific emission unit.

(1) The storage vessel affected facility shall be limited to less than 6 TPY of VOC emissions, 12-month rolling total, unless another time measurement is specified under 40 CFR Part 60, Subpart OOOO or OOOOa. Demonstration of compliance with the VOC emission limit shall be based on records of VOC stored and monthly throughputs. Emissions shall be calculated using current EPA AP-42 methodology for working and breathing emissions or other methodology acceptable to the DEQ, and using available AQD guidance for flash emissions.

(A) In the demonstration of compliance with the VOC emission limit, a properly installed and operated vapor recovery unit (VRU) is considered to recover 100% of the VOC during the time the VRU is in use.

(B) The permittee shall maintain, for a period of five (5) years, records of VOC stored, monthly throughputs, and emissions calculations used to demonstrate compliance, including records of all periods of uncontrolled venting.

(2) The VOC storage vessel shall be limited to less than 6 TPY of VOC emissions, 12-month rolling total, unless another time measurement is specified under 40 CFR Part 60, Subpart OOOO or OOOOa. For any VOCs not routed through a VRU, the storage vessel affected facility shall be controlled utilizing a flare or enclosed combustion device.

(A) For each flare or enclosed combustion device, the presence of a pilot flame shall be monitored using a thermocouple or any other equivalent device, and records of pilot flame(s) outages and/or flare downtime shall be maintained.

(B) The flare or enclosed combustion device shall be operated according to the manufacturer's specifications.

(C) Demonstration of compliance with the VOC emission limit shall be based on emissions calculated from records of VOC stored and monthly throughputs using current EPA AP42 methodology for working and breathing emissions or other methodology acceptable to the DEQ, AQD guidance for flash emissions, and a VOC control efficiency as specified.

(i) During periods when records document that the flare or enclosed combustion device was operational, the VOC emissions estimates may be calculated using a VOC destruction efficiency of 95%.

(ii) If the manufacturer of the flare or enclosed combustion device guarantees a VOC destruction efficiency greater than 95%, the VOC emissions estimates may be calculated using the VOC destruction efficiency guaranteed by the manufacturer, up to but not to exceed 99.5% during periods when records document that the control device was operational.

(iii) A properly installed and operated VRU is considered to recover 100% of the VOC during the time the VRU is in use.

(iv) The permittee shall maintain, for a period of five (5) years, records of VOC stored, monthly throughputs, and emissions calculations used to demonstrate compliance, including records of all periods of uncontrolled venting.

**(d) Requested process-specific legally and practicably enforceable limitations - storage vessel affected facilities (tank batteries).** An owner or operator shall designate on the PBR registration form(s) that the following legally and practicably enforceable (LPE) limits are applicable to a specified storage vessel affected facility under 40 CFR Part 60, Subpart OOOOb. The permittee shall submit a notice of enforceability on forms provided by the DEQ to add or remove the applicability of LPE limits to or from any tank battery, whether the tank battery consists of a single storage vessel or multiple storage vessels that are manifolded together for liquid transfer.

(1) The storage vessel affected facility shall be limited to less than 6 TPY of VOC emissions and less than 20 TPY of methane emissions, calculated as cumulative emissions from all storage vessels within the tank battery, with both limits based on a 12-month rolling total.

(A) Demonstration of compliance with the VOC and methane emission limits shall include the following:

(i) A monthly quantitative throughput volume.

(ii) The composition of tank contents and any stream data (actual or representative consistent with DEQ policy as established by the Director) necessary to perform the calculations below.

(iii) Emission calculation methods for working, breathing, and flashing emissions approved by the Director.

(iv) Process operating parameters, including temperatures and pressures.

(iv) The method, if any, used to capture emissions, and divert emissions to a process and/or route emissions to a control device.

(v) Calculations showing that, given the tank contents, throughput, and process operating parameters (including downtime), the emissions from the tank battery will not exceed the LPE limits for VOC or methane.

(B) Applicants that elect to comply with the LPE limits through one or more of the following options shall meet these operational and parametric limits:

(i) If using a nonassisted flare:

(I) a closed vent system that routes emissions from the storage vessel affected facility to the flare.

(II) a combustion destruction efficiency of at least 95%.

(III) the flare shall meet the following applicable requirements of 40 CFR § 60.18: visible emissions requirements in § 60.18(c)(1); the pilot flame requirements in § 60.18(c)(2); the heating value requirements in § 60.18(c)(3)(ii); exit velocity requirements in § 60.18(c)(4); and the operational requirements in § 60.18(e).

(ii) If using a nonassisted enclosed combustion device:

(I) a closed vent system that routes emissions from the storage vessel affected facility to the combustor.

(II) a combustion destruction efficiency of at least 95%.

(III) the combustor shall meet the following applicable requirements for flares in 40 CFR § 60.18: visible emissions requirements in § 60.18(c)(1); the pilot flame

requirements in § 60.18(c)(2); the heating value requirements in § 60.18(c)(3)(ii); and the operational requirements in § 60.18(e).

(IV) the maximum design capacity (MMBTU/hr) of the gases combusted as established by the manufacturer or operator during a performance test.

(iii) If using a VRU:

(I) a closed vent system that captures all emissions from the storage vessel affected facility and routes all emissions to a process.

(II) the openings of the storage vessels shall be closed and sealed (e.g., covered by a gasketed lid, cap, or other appropriate methods) during normal operation.

(C) The emission reductions associated with the option(s) selected under (B) shall only be included in emissions calculations to show compliance with limits in (1) above when the following initial and periodic and/or continuous monitoring requirements are met:

(i) If using a nonassisted flare or enclosed combustion device:

(I) perform an initial visible emission observation of the flare or enclosed combustion device using Method 22 in Appendix A of 40 CFR Part 60, with a minimum observation time of six (6) minutes, within 60 days of initial operation.

(II) continuously monitor at least once every five minutes for the presence of a pilot flame or combustion flame using a device (including, but not limited to, a thermocouple, ultraviolet beam sensor, or infrared sensor) capable of detecting that the pilot or combustion flame is present at all times. An alert must be sent whenever the pilot or combustion flame is unlit.

(III) perform an initial, and semi-annually thereafter, determination of the net heating value of the gasses combusted using the equation in 40 CFR § 60.18(f)(3).

(IV) for a flare, perform an initial, and semi-annually thereafter, determination of the exit velocity of the gasses combusted, calculated by dividing the volumetric flowrate by the unobstructed (free) cross sectional area of the flare tip. Volumetric flowrate shall be determined by Method 2 in Appendix A of 40 CFR Part 60, or a generally accepted model or calculation methodology.

(V) for an enclosed combustion device, perform an initial, and semi-annually thereafter, demonstration that the actual heat content (MMBTU/hr) of the gases combusted are within the design values established by the manufacturer or operator during a performance test. The heat content of the combusted gases shall be determined by a generally accepted model or calculation methodology.

(ii) If using a VRU, whenever the closed vent system and/or VRU experiences outages and/or downtime, maintain calculations of associated emissions for the purpose of determining compliance with the limits in paragraph (1).

(D) Reporting of any exceedances of these limits in accordance with DEQ guidance.

(E) Recordkeeping updated monthly and maintained for a period of five (5) years, including:

(i) Records of contents stored,

(ii) Monthly and 12-month rolling total throughputs,

(iii) Records of parameters monitored as required in subparagraphs (A) and (B) above,

(iv) Monthly and 12-month rolling total emissions calculations used to demonstrate compliance,

(v) Times and emissions when the system used to comply with the LPE limits is not operating in accordance with the requirements established in this subsection, and

(vi) Records of all periods of uncontrolled venting.

(vii) Equipment specifications, manuals, and/or maintenance records, as appropriate.

(2) [RESERVED]

(e) **Exceptions to Otherwise Applicable State-Only Requirements.** When an owner or operator elects to obtain coverage under the oil and natural gas PBR (OAC 252:100-7-60.5) the following exceptions to otherwise applicable state requirements shall govern the equipment and operations covered by the PBR:

(1) GHG emissions, as an aggregate, or as individual components (e.g., methane) may be included in the facility's PBR notwithstanding the provisions of OAC 252:100-7-2.1, Minor permits for greenhouse gas (GHG) emitting facilities.

(2) Regardless of any limits on methane included in the PBR or inclusion of any reporting requirements or other provisions in the permit that may affect methane or GHG emissions, neither methane nor GHG (as an aggregate) will be considered to be regulated air pollutants for the purposes of the following:

(A) The determination of "actual emissions" from a given facility as defined in 252:100-5-1.1.

(B) The emissions inventory requirements of OAC 252:100-5-2.1.

(C) "Regulated pollutant (for fee calculation)," as defined in 252:100-5-1.1, subject to annual operating fees under OAC 252:100-5-2.2.

(D) The determination whether a facility is a "major source" as defined in OAC 252:100-8-2.

(E) The determination whether a facility is a "major stationary source" as defined in OAC 252:100-8-31 for facilities in attainment areas or in OAC 252:100-8-51 for facilities in nonattainment areas.

(F) The determination whether a facility's project is a "major modification" as defined in OAC 252:100-8-31 for facilities in attainment areas or in OAC 252:100-8-51 for facilities in nonattainment areas.

(3) These exceptions may be set aside at the discretion of the Director.

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 100. AIR POLLUTION CONTROL**

Before the Air Quality Advisory Council on April 24, 2024  
Before the Environmental Quality Board on June 11, 2024

**RULE IMPACT STATEMENT**

Subchapter 7. Permits for Minor Facilities  
PART 9. Permits by Rule  
252:100-7-60.5. [AMENDED]

**DESCRIPTION:** The Department of Environmental Quality (Department or DEQ) is proposing to amend the Permit By Rule (PBR) in OAC 252:100-7-60.5, Oil and natural gas sector, in response to the U.S. Environmental Protection Agency's (EPA's) recently promulgated requirements in 40 C.F.R. Part 60, Subpart OOOOb Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After December 6, 2022 (NSPS Subpart OOOOb). Specifically, the proposed amendment would allow the use of legally and practicably enforceable (LPE) limits when determining a facility's eligibility for the PBR. The gist of the proposed rule is to clarify source eligibility criteria for the PBR and ensure that the current PBR allows facilities potentially subject to NSPS Subpart OOOOb to take LPE limits to avoid applicability of the federal requirements for certain equipment.

**CLASSES OF PERSONS AFFECTED:** The classes of persons affected are the owners and operators of facilities that qualify for, and elect to obtain coverage under, the oil and natural gas PBR, including those that have already registered under the PBR.

**CLASSES OF PERSONS WHO WILL BEAR COSTS:** The classes of persons who will bear costs are the owners and operators of facilities that qualify for, and elect to obtain coverage under, the oil and natural gas PBR, including those that have already registered under the PBR. There are no new costs associated with this rulemaking activity.

**INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES:** The Department has not received any information on cost impacts of the proposed amendments as of this date. There are no new costs associated with this rulemaking activity.

**CLASSES OF PERSONS BENEFITTED:** The classes of persons who would benefit from this rule are the owners and operators of facilities that qualify for, and elect to obtain coverage under, the oil and natural gas PBR, including those that have already registered under the PBR. The proposed amendments would ensure facilities subject to NSPS OOOOb are covered by the oil and natural gas PBR and clarify methods allowed when determining eligibility for the PBR, including taking a legally and practically enforceable limit to avoid applicability of NSPS OOOOb for certain equipment.

**PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS:** The Department expects no significant economic impact on the affected classes of persons from this

rulemaking activity. Owners and operators of facilities that qualify for the oil and natural gas PBR, including those that have already registered under the PBR will continue to be covered by or qualify for the PBR. There could be some costs associated with demonstrating compliance with the LPE criteria in the PBR; however, those potential costs (and more) would also be present for facilities that do not elect to obtain coverage under the PBR, and instead are subject to NSPS OOOOb.

**PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** The Department anticipates no economic impact on political subdivisions due to this rule.

**POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS:** The Department anticipates no adverse effect on small business.

**LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:** The Department is not proposing any fee changes in this rule.

**PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE:** The Department anticipates there will be no significant increased costs associated with the implementation and enforcement of these proposed amendments. The Department will benefit from the proposal because it will aid state implementation and enforcement of new and existing federal requirements.

**PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE:** There are none. No other agencies will be implementing or enforcing these regulations.

**SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE:** Fees and federal grants will continue to be used to implement and enforce these regulations.

**PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED:** The Department expects no net loss or gain in revenues from these amendments.

**COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE:** None is required. The Department will be responsible for all aspects of implementation and enforcement of these regulations.

**EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS:** The proposed amendments minimize compliance costs by clarifying what methods may be used when determining applicability to the oil and natural gas PBR. The proposed amendments also ensure that the PBR covers standards set forth in NSPS OOOOb.

**DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE:** The Department has determined that there are no less costly or nonregulatory or less intrusive methods of achieving the purpose of the proposed rule.

**DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:** The proposed changes will have a positive effect on public health, safety, and the environment by updating the PBR to implement new and existing standards that were established to protect public health and welfare.

**IF THE PROPOSED RULE IS DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT, EXPLANATION OF THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULE WILL REDUCE THE RISK:** The proposed changes will have a positive effect on public health, safety, and the environment by updating the PBR to implement new and existing standards that were established to protect public health and welfare.

**DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:** Not implementing the proposed amendments would not have any detrimental effect on public health, safety, or environment. The regulatory requirements for qualifying facilities are already in place at the federal level.

**PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):** The Department anticipates a positive impact on business entities that own or operate facilities which qualify for this PBR.

**THIS RULE IMPACT STATEMENT WAS PREPARED ON:** March 15, 2024  
**MODIFIED ON:**





April 10, 2024

Submitted via Email (AQDrulecomments@deq.ok.gov)

Ms. Melanie Foster, Environmental Programs Manager  
Air Quality Division  
Oklahoma Department of Environmental Quality  
P.O. Box 1677  
Oklahoma City, OK 73101-1677

RE: Oil & Gas Sector Permit by Rule

Dear Ms. Foster:

The Petroleum Alliance of Oklahoma (The Alliance) represents more than 1,400 individuals and member companies and their tens of thousands of employees in the upstream, midstream, and downstream sectors and ventures ranging from small, family-owned businesses to large, publicly traded corporations. Our members produce, transport, process and refine the bulk of Oklahoma's crude oil and natural gas.

The Alliance appreciates the opportunity to provide the following comments on the draft Oil & Natural Gas Sector Permit by Rule (PBR). We welcome further discussions on these questions, concerns and requests.

### **1. Questions regarding the proposed Oil & Natural Gas Sector Permit by Rule (PBR)**

- The Alliance member companies would like clarity on how the enforceable limits will be set. Will the limits be based on monthly or annual average through-puts and pressures? We feel that the PBR may be of limited benefit to the industry if the PTE calculation is not allowed to be based on an annual average.
- In (d)(1)(iii) it states, "Emission calculation methods for working, breathing, and flashing emissions approved by the Director." Are you anticipating there will be different calculation methods than what is currently used under the PBR?
- In (d)(1)(v), what calculation methods should be used to show compliance with the methane limits?
- During the periods when operators are not utilizing the VRU due to maintenance, they need the ability to permit a flare as a back-up control device. Can this be accomplished under the proposed PBR?



- Flow meters on low pressure streams to flares are not very accurate. Will operators be able to estimate those low flows to flares?
- We would like to confirm our understanding of the proposed PBR. Our understanding is that an existing facility that is covered by a PBR would not be required to have an LPE to stay under its current PBR. Facilities constructed after December 6, 2022, and before the emergency rules are in place, will not have the option to use LPEs (to exempt storage tank batteries from being regulated as “storage vessel affected facilities” under NSPS OOOOb) in a PBR. New facilities constructed after the emergency rules are in effect will need to obtain a PBR with LPEs if they do not want to be subject to the tank battery requirements of OOOOb. Is this correct?
- Can the existing PBR be used to allow new facilities (subject to NSPS OOOOb) to be constructed and operated without LPEs?
- We would like to confirm that existing facilities that want federally enforceable limits in their PBR to exempt tanks from the requirements of NSPS OOOO or OOOOa will not be affected by the emergency rule but in the future may need to address OOOOc requirements for methane. Is that correct?
- Will air-assisted flares be allowed under the PBR?
- Has the PBR registration form referenced in in 252:100-7-60.5(d) been developed?

## 2. Request changes to in 252:100-7-60.5 (d)(1)(C)(III)

For nonassisted flares or enclosed combustion devices, the proposed rule references 40 CFR § 60.18(f)(3) to determine the net heating value of the gasses combusted. We request the method be changed to or include the use of the GPA 2261 method. The oil & natural gas industry commonly uses the GPA method which is more appropriate and less expensive.

## 3. Request Change to 252:100-7-60.5 (d)(1)(E) - Recordkeeping

The Alliance requests the recordkeeping requirements be changed to eliminate the duplication of requirements.

(E) Recordkeeping updated monthly and maintained for a period of five (5) years, including:

- (i) Records of contents stored,
- (ii) Monthly and 12-month rolling total throughputs, or Monthly and 12-month rolling total emissions calculations used to demonstrate compliance.



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- (iii) Records of parameters monitored as required in subparagraphs (A) and (B) above,
- ~~(iv) Monthly and 12-month rolling total emissions calculations used to demonstrate compliance;~~
- ~~(v)(iv)~~ Times and emissions when the system used to comply with the LPE limits is not operating in accordance with the requirements established in this subsection, and
- ~~(vi)(v)~~ Records of all periods of uncontrolled venting.
- ~~(vii)(vi)~~ Equipment specifications, manuals, and/or maintenance records, as appropriate.

Please feel free to contact me at [bud@okpetro.com](mailto:bud@okpetro.com).

Sincerely,

*Howard R. Ground*

Howard Ground  
Director Regulatory Affairs